

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
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 V.)
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)
 ROBERT A. FAFARD)
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CRIMINAL NO. **4:04CR40027-FDS**

VIOLATIONS:
18 U.S.C. §2422(b)
Attempted Coercion and Enticement
18 U.S.C. §2252(a)(1)
Transportation of Child Pornography
18 U.S.C. §2252(a)(4)(B)
Possession of Child Pornography

INDICTMENT

COUNT ONE: 18 U.S.C. §2422(b)- Attempted Coercion and Enticement

The Grand Jury charges that:

From on or about April 14, 2004 until on or about November 10, 2004, both dates being approximate and inclusive, at Worcester, in the District of Massachusetts, and elsewhere,

ROBERT A. FAFARD,
defendant herein, attempted to use a facility of interstate commerce, to knowingly persuade, induce, entice and coerce an individual whom he believed had not attained the age of 18 years, that is, an individual known to the Defendant by the screen name "ohiolisa13," to engage in sexual activity for which any person could be charged with an offense, to wit: a violation of Massachusetts General Law, Chapter 272, Section 35A, which makes it a crime to commit any unnatural and lascivious act with a child under the age of 16.

All in violation of Title 18, United States Code, Section 2422(b).

COUNT TWO: 18 U.S.C. § 2252(a) - Transportation of Child Pornography

The Grand Jury Further charges that:

On or about June 22, 2004, at Worcester, within the District of Massachusetts, and elsewhere,

ROBERT A. FAFARD,
defendant herein, did knowingly transport and ship in interstate commerce by means of a computer, a visual depiction, that is, a digital image in file named "sex+1.JPG," the production of which involved the use of a minor engaging in sexually explicit conduct and which visual depiction was of such conduct.

All in violation of Title 18, United States Code, Section 2252(a)(1).

COUNT THREE: 18 U.S.C. § 2252(a) - Transportation of Child Pornography

The Grand Jury Further charges that:

On or about October 1, 2004, and on October 19, 2004, at Worcester, within the District of Massachusetts, and elsewhere,

ROBERT A. FAFARD,

defendant herein, did knowingly transport and ship in interstate commerce by means of a computer, a visual depiction, that is, a digital image in file named "bef1.jpg," the production of which involved the use of a minor engaging in sexually explicit conduct and which visual depiction was of such conduct.

All in violation of Title 18, United States Code, Section 2252(a)(1).

COUNT FOUR: 18 U.S.C. §2252(a)(4)(B) - Possession of Child Pornography

The Grand Jury further charges that:

On or about November 10, 2004, at Worcester, in the District of Massachusetts,

ROBERT A. FAFARD,

defendant herein, did knowingly possess one or more matters containing visual depictions that had been mailed, and shipped and transported in interstate or foreign commerce and which were produced using materials that were shipped or transported in interstate and foreign commerce, the production of such visual depictions having involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and which visual depictions were of such conduct, including digital images in files named "sex+1.JPG," "Pussy1.jpg," "Dc254.jpg," and "Dc275.jpg."

All in violation of Title 18, United States Code, Section 2252(a)(4)(B).

FORFEITURE ALLEGATION

18 U.S.C. § 2253(a) - Criminal Forfeiture

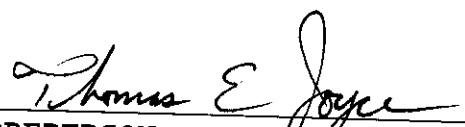
1. The allegations of Counts Two through Four of this Indictment are hereby repeated and incorporated herein by reference for the purpose of alleging forfeiture to the United States under Title 18, United States Code, Section 2253(a).

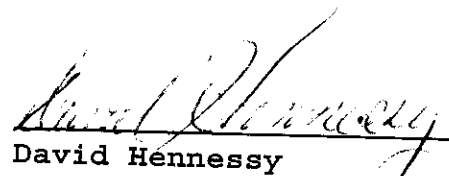
2. Upon conviction on any of Counts Two through Four hereof, the defendant ROBERT A. FAFARD shall forfeit to the United States any and all matter which contains visual depictions produced, transported, shipped, received or possessed in violation of Title 18, United States Code, Section 2252; any property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violations; and any and all property used or intended to be used in any manner or part to commit and to promote the commission of the aforementioned violations, including the computer system and related items that were seized by law enforcement officials from his residence on November 10, 2004, including:

1. TCS III Computer, Model BG95-AP53; and
2. Dell 2400 Computer, serial number 00043-511-383-356.

All pursuant to Title 18, United States Code, Section 2253(a).

A TRUE BILL



FOREPERSON OF THE GRAND JURY


David Hennessy
Assistant United States Attorney

DISTRICT OF MASSACHUSETTS:

December 8, 2004

Returned into the District Court by the Grand Jurors and filed.


Deputy Clerk
3:26 P

Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: Worcester Category No. II Investigating Agency FBICity Worcester Related Case Information:County Worcester Superseding Ind./ Inf. _____ Case No. _____
Same Defendant x New Defendant _____
Magistrate Judge Case Number 04-1828-CBS
Search Warrant Case Number 04-1829-CBS
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Robert A. Fafard Juvenile ☐ Yes ☒ No

Alias Name _____

Address 8 White Birch Drive, WorcesterBirth date (Year only): 1944 SSN (last 4 #): 5887 Sex m Race: white Nationality: U.S.Defense Counsel if known: Alan Black Address: 1383 Main Street
Springfield 01103

Bar Number: _____

U.S. Attorney Information:AUSA David Hennessy Bar Number if applicable _____Interpreter: ☐ Yes ☒ No

List language and/or dialect: _____

Matter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested☒ Regular Process☐ In Custody**Location Status:**Arrest Date: November 10, 2004☐ Already in Federal Custody as _____ in _____
☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial
☒ On Pretrial Release: Ordered by Judge Swartwood on November 23, 2004Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 4

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: Dec 8, 2004Signature of AUSA: David Hennessy

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District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Robert A. Fafard

		U.S.C. Citations	
	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 U.S.C. 2422(b)</u>	<u>Att. Coercion and Enticement</u>	<u>1</u>
Set 2	<u>18 U.S.C. 2252(a)</u>	<u>Transportation Child Pornography</u>	<u>2&3</u>
Set 3	<u>18 U.S.C. 2252(a)(4)(B)</u>	<u>Possession Child Pornography</u>	<u>4</u>
Set 4	<u>18 U.S.C. 2253</u>	<u>Criminal Forfeiture</u>	<u>Allegation</u>
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____
ADDITIONAL INFORMATION:			